

REMARKS/ARGUMENTS

Claims 52 and 59 have been amended herein to correct their claim dependencies. Claims 1-20 have previously been cancelled. No claim 66 was included in the application as filed. Thus, claims 21-65 and 67-68 are currently pending in this application and are at issue herein.

Response to Restriction Requirement

The Examiner has required restriction to one of three sets of claims. The first set (Group I) includes claims 21-51 directed to a method and device for shaping a metallic flat material to give a metallic wave profile. The second set (Group II) includes claims 52-58, 63-65 and 67-68 directed to a method for the continuous manufacture of a composite material and the product made.¹ The third set (Group III) includes claims 59-62 directed to a plant for the continuous manufacture of a composite material.

Applicants hereby elect that the claims of Group I, namely, claims 21-51 be examined. Applicants make this election with traverse for at least the reasons set forth below.

Claim 52 has been amended to depend from claim 21. The remaining claims in Group II (claims 53-58, 63-65 and 67-68) all depend either directly or indirectly from claim 52.

Claim 59 has been amended to depend from claim 37. The remaining claims in Group III (claims 60-62) all depend either directly or indirectly from claim 59.

Claims 21 and 37 are included within the invention of Group I. Applicants submit that by amending the dependencies in claims 52 and 59 to depend from claims within Group I that

¹ Claims 57-58 were omitted from the Restriction Requirement. Applicants believe that these claims should have been included in Group II, and have included them therein in responding to the Restriction Requirement.

the restriction requirement has been overcome. The claims of Groups II and III comprise methods and devices for the further processing of the product obtained when the invention of Group I is carried out. Therefore, the claims of Groups II and III comprise all of the limitations of those set forth in Group I.

For example, the Group II set of claims is limited by the method steps of Group I, since claim 52 is dependent upon the method steps of claim 21. Additionally, the claims of Group III are limited by the device of Group I, since claim 59 is dependent upon the device limitations of claim 37. Applicants thus submit that the Restriction Requirement should be withdrawn.

Further, one of the reasons for requiring a restriction is that examination of the claims to distinct inventions or species would pose a "serious burden" on the Examiner. Here that is clearly not the case. The claims of Group II (claims 52-58, 63-65 and 67-68) are limited by the method steps of claim 21, which is included in Group I. Similarly, the claims of Group III (claims 59-62) are limited by the device limitations of claim 37, which is included in Group I. Thus, Applicants submit that no election is necessary since the Examiner will conduct the same search given that the claim dependencies of claims 52 and 59 have been amended to depend from claims included within Group I. Accordingly, no "serious burden" would be imposed upon the Examiner by requiring a search as to all pending claims 21-65 and 67-68.

Applicants therefore respectfully request withdrawal of the Restriction Requirement and examination of all pending claims 21-65 and 67-68.

Allowance of all claims and passage to issue are hereby respectfully requested. Early notification to that effect is respectfully requested.

It is believed that this Response requires a one-month extension of time. Accordingly, a petition for a one-month extension of time authorizing payment of the extension fee (\$130.00) is submitted herewith. If additional fees are required for any reason, the Commissioner is hereby authorized to charge Deposit Account 02-4800 the necessary amount.

Should any issues remain, the Examiner is invited to contact the undersigned at the number listed below to advance prosecution of the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bryan H. Opalko', followed by a horizontal line extending to the right.

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